HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26826 of 2006

Dated:02.01.2007

Between:

Smt.Raja Madhuveeti Savitramma.

…Petitioner

and

The District Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26826 of 2006

ORDER:

The petitioner is a resident of Rampayerrampalem Village of Gokavaram Mandal in East Godavari District. She is wife of late R.M.S.Rama Bhupati Dev, who was allegedly the owner of land admeasuring Acs.4.04 cents in Survey No.57 of the said Village. The land was used for raising wet crops irrigating the same with water from Narasimha Cheruvu. It appears in 1967 when the Government wanted to strengthen the tank bund to prevent breach, late Bhupati Dev agreed to part with the land in Survey No.57 in exchange of other land in Survey No.58 admeasuring Acs.3.52 cents. However, as the same could not materialize, the District Collector directed the authorities to acquire the land belonging to the petitioner. Acquisition proceedings were initiated, but the same were invalidated by this Court in W.P.No.20 of 1978 remanding the matter to the Government. The Government thereafter issued G.O.Ms.No.5021, dated 23.12.1980, assigning the land in Survey No.58 in exchange of land admeasuring Acs.4.04 cents in Survey No.57. This was assailed in W.P.No.3536 of 1981 by some persons who allegedly encroached upon the said land. The Writ Petition was allowed, and the matter was sent back to the Government. On 08.10.1998, the Government passed orders directing

the District Collector to enquire into the matter and provide alternate land to the petitioner and in case it is not available, to pay the compensation. Subsequently, the Mandal Revenue Officer conducted enquiry, and ultimately the Sub-Collector, Rajahmundry, issued orders on 24.08.2005 directing the Mandal Revenue Officer to submit proposals for acquiring the land. The petitioner alleges that when the petitioner tried to cultivate the land, respondents 5 and 6 objected at the same. The petitioner is, therefore, before this Court seeking a writ of mandamus restraining the respondents from interfering with his possession and agricultural activities carried on by the petitioner.

The Writ Petition was heard at the preliminary stage on 27.12.2006. Learned Assistant Government Pleader for Irrigation sought time for getting instructions. Today the learned Assistant Government Pleader after getting written instructions in the shape of para-wise remarks submits that respondents 5 and 6 are not objecting or interfering in the agricultural activities carried on by the petitioner till today, and that the allegations made by the petitioner are not true. She further states that at no point of time, respondents 5 and 6 interfered with the agricultural activities carried on by the petitioner in the land admeasuring Ac.1.07 cents in Survey No.56, which is foreshore tank bed.

In view of the submission made by the learned Assistant Government Pleader, this Court holds that the Writ Petition is filed on a mere apprehension without any regard to the factual aspects. If there is an attempt by the seventh respondent to interfere with the agricultural activities carried on by the petitioner, it shall be open to her to approach the civil Court and obtain appropriate injunction. No relief can be granted in this Writ Petition as prayed for.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

02.01.2007
vs